

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>BROADWING COMMUNICATIONS, L.L.C.,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-06-30</p>
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**ORDER DOCKETING FOR FORMAL PROCEEDING AND
SETTING DEADLINE FOR RESPONSE**

(Issued April 20, 2006)

On March 15, 2006, pursuant to Iowa Code §§ 476.3 and 476.103, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to consider a civil penalty for an alleged cramming violation committed by Broadwing Communications, L.L.C. (Broadwing). Based upon the record assembled in the informal complaint proceeding, the events to date can be summarized as follows:

On February 10, 2006, the Board received a complaint from Mr. Keith Heston of Des Moines, Iowa, alleging that his local telephone bill included charges for long distance calls he did not make. Mr. Heston attached copies of pages from the bills showing charges submitted on behalf of Broadwing.

Board staff identified the matter as C-06-38 and, on February 13, 2006, forwarded the complaint to Qwest Corporation (Qwest), Mr. Heston's local exchange carrier, and Broadwing for response. Qwest responded on February 16, 2006, indicating that Mr. Heston has not designated a long distance carrier and the disputed calls appear to be collect calls. Broadwing did not respond to the complaint.

On March 6, 2006, Board staff issued a proposed resolution finding that Broadwing violated the Board's rules against cramming by failing to respond to the complaint to show the charges were authorized. Staff directed Broadwing to close the account and credit all charges.

In its March 15, 2006, petition, Consumer Advocate indicates that the proposed resolution should be expanded to clarify that companies cannot escape civil penalties by ignoring allegations of violation. Consumer Advocate asserts a civil penalty is necessary to deter future violations. Broadway has not responded to Consumer Advocate's petition.

The Board has reviewed the record to date and finds there are reasonable grounds to warrant further investigation of this matter. The Board will grant Consumer Advocate's petition for proceeding to consider a civil penalty but will delay establishing a procedural schedule to allow Broadwing an opportunity to respond to Consumer Advocate's petition.

IT IS THEREFORE ORDERED:

1. The "Petition for Proceeding to Consider Civil Penalty" filed by the Consumer Advocate Division of the Department of Justice on March 15, 2006, is granted. File C-06-38 is docketed for formal proceeding, identified as Docket No. FCU-06-30.

2. Broadwing Communications, L.L.C., is directed to file a response to Consumer Advocate's petition within 30 days of the date of this order.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 20th day of April, 2006.